

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

SONIA RUSSELL,

Plaintiff,

vs.

POSTMASTER GENERAL LOUIS DEJOY,  
Postmaster General,

Defendant.

8:20CV533

MOTION TO STRIKE

The United States of America hereby moves the Court to strike Filing No.s 70, 71, 72 and 73 as untimely filed, and also because these filings fail to comply with Fed. R. Civ. P. 56(c) and Nebraska Civil Rule 7.1(b)(2)(C), which set forth the requirements for presenting evidence in opposition to a motion, and render the statements therein admissible hearsay. The filings also fail to comply with 7.1(b)(2)(A) requiring citation to pertinent pages of any evidence on which the party relies. In addition, many documents attached to Filing No. 73 were not previously produced to the United States and should therefore be stricken from the record pursuant to Rule 26 and Rule 37 of the Federal Rules of Civil Procedure. These documents also were not filed in compliance with NECivR 7.1(b)(2)(B), requiring the filing of a separate index of evidence.

To the extent that the Court does not strike each of the four filings, and if any pleading remains that may require a Reply to be filed by the United States, the United States requests that the Court allow the United States 14 days from entry of any Order ruling on this Motion for the United States to draft and file a Reply to plaintiff's filings.

In support of this Motion, the United States directs the Court's attention to the accompanying memorandum brief filed herewith.

Dated: April 19, 2023

STEVEN A. RUSSELL  
United States Attorney  
District of Nebraska

By: s/ Amy B. Blackburn  
AMY B. BLACKBURN (MO #48222)  
Assistant U.S. Attorney  
1620 Dodge Street, Suite 1400  
Omaha, NE 68102-1506  
Tel: (402) 661-3700  
Fax: (402) 661-3081  
E-mail: [amy.blackburn@usdoj.gov](mailto:amy.blackburn@usdoj.gov)

CERTIFICATE OF SERVICE

I hereby certify that on April 19, 2023, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which sent notification of such filing to all registered participants. I also hereby certify that a copy of the same was served by regular mail, postage prepaid, to the following non-CM/ECF participants:

Sonia Russell  
[redacted] Fontenelle Blvd  
Omaha, NE 68111

s/ Amy B. Blackburn  
Assistant U.S. Attorney